

**U.S. Department of the Interior
Bureau of Land Management
Lewistown Field Office
920 NE Main Street
Lewistown, MT 59457**

**Finding of No Significant Impact
Environmental Assessment DOI-BLM-MT-L060-2012-0041-EA**

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA) (DOI-BLM-MT-L060-2012-0041-EA) to analyze the potential effects from offering for lease the federal minerals on 4 lease parcels (1 whole and 3 partial) administered by the Lewistown Field Office. The analysis was prepared based on parcel site visits and available resource inventory and monitoring data.

Impact identification and analysis of the No Action Alternative and the BLM Preferred Alternative, (which includes deferred parcel acreages) has been completed. The No Action Alternative, would be to not offer for lease 4 parcels (1 whole and 3 partial) nominated through expressions of interest (EOI). The Preferred Alternative would be to offer 4 parcels (1 whole and 3 partial) totaling 1,442.3 acres of federal mineral estate for competitive and/or noncompetitive lease issuance. Seventeen parcels (17 whole and 3 partial) containing 5,230.18 acres of federal minerals would be deferred from leasing pending completion of a Resource Management Plan (RMP) that includes a decision regarding oil and gas leasing for the Lewistown Field Office.

In 1988, the BLM suspended lease issuance on lands that required special stipulations to protect wildlife resources until a new resource management plan (RMP) is completed. This was a result of a protest on issuance of oil and gas leases by the BLM in Montana. In the early 1990s, the BLM prepared the Judith-Valley-Phillips RMP to address this protest along with other resource issues. However, a subsequent protest to the 1992 Judith-Valley-Phillips RMP warranted a supplement to address an alternative for oil and gas leasing that would avoid leasing valuable wildlife habitat. The BLM Lewistown Field Office will continue to defer leasing federal minerals that would require special wildlife stipulations until a new RMP is completed.

Standard terms and conditions and the stipulations identified in Appendix A of the EA, would apply to leases. Lease stipulations (as required by Title 43 Code of Federal Regulations 3101.1-3) were added to each parcel as identified by the Lewistown Field Office to address site specific resource concerns or new information not identified in the planning process.

FINDING OF NO SIGNIFICANT IMPACT:

Based on my review of the EA and all other available information, I have determined that the proposal, including the implementation of required stipulations, is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively

with other actions in the general area. No potential environmental effects associated with the project meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Nor do potential effects exceed those effects described in the Fergus Management Framework Plan (January 1978), the Lewistown District Oil & Gas Environmental Assessment of the BLM Leasing Program (September 1981) and the Headwaters Resource Management Plan (RMP) and accompanying Environmental Impact Statement (EIS) (September 1984). Therefore, an EIS is not required. Any future proposed development on lease parcels would be subject to additional site-specific NEPA analysis and documentation.

With regard to the issue of impacts to global climate change (GCC) and/or levels of greenhouse gas (GHG) emissions that may contribute to GCC, as discussed in the EA, the current state of the science does not allow determinations to be made about the specific effects of specific actions. Therefore, while I find that the proposed action would result in no significant impacts, either individually or cumulatively, as described in more detail below in the FONSI, no similar finding is made with respect to GCC or GHG emissions. However, given the state of the science, preparation of an environmental impact statement is not warranted, as it would not further inform my decision, or the public, with respect to the significance or lack thereof, of this proposed action as to the issue of GCC or GHG.

This determination for this FONSI is based on the context and intensity of the project as described:

Context:

The Preferred Alternative would occur within the Lewistown Field Office boundary and would have local impacts on the resources similar to and within the scope of those described and considered in the Fergus Management Framework Plan (January 1978) and the Headwaters Resource Management Plan (RMP) and accompanying Environmental Impact Statement (EIS) (September 1984). The project is a site-specific action directly involving 1,442.3 acres more or less of federal minerals administered by the BLM, by itself does not have international, national, regional, or state-wide importance.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse: Beneficial, adverse, direct, indirect and cumulative environmental impacts have been disclosed in the EA. Mitigating measures and stipulations to reduce impacts to the various resources were incorporated in the design of the preferred alternative. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Lewistown Field Office and adjacent land.

2. The degree to which the selected alternative will affect public health or safety: Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas: Unique characteristics present within the project area include historic and cultural resources. These characteristics have been deemed to be not affected by the preferred alternative with mitigating measures attached to each parcel. There are no impacts to park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial: No anticipated effects have been identified that are controversial. While the preferred alternative may be somewhat controversial to some members of the public, the preferred alternative conforms with current management framework and land use plan guidance in which these parcels were allocated as open for oil and gas leasing. As a factor for determining (within the meaning of 40 CFR section 1508.27(b) (4)) whether or not to prepare a detailed environmental impact statement, “controversy is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: The preferred alternative of offering and issuing oil and gas leases is not unique or unusual. The EA describes and discloses impacts from typical exploration and development activities that could occur on a federal lease, as well as identifies stipulations and/or mitigation measures designed to minimize or eliminate impacts. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature. There are no predicted effects that are highly uncertain or involve unique or unknown risk.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: This project neither establishes a precedent nor represents a decision in principle about future actions. A federal oil and gas lease provides the lessee with the opportunity to explore for and develop oil and gas resources after receipt of necessary approvals. Any future proposed development on lease parcels would be subject to additional site-specific NEPA analysis and documentation. The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership: The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. No significant cumulative effects were identified or predicted.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no features within the project area listed or eligible for listing in the National Register of Historic Places that would be adversely affected by the preferred alternative.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list:

Based on information obtained from the Montana Natural Heritage Program website (MNHP 2012), there are no known occurrences of federally threatened or endangered species on the proposed lease parcels. Grizzly bear use has been documented near one of the proposed lease parcels; however, the parcel is not deemed to be critical habitat by the Fish and Wildlife Service. Portions of two of the partially offered parcels are located within preliminary general habitat for Greater Sage-Grouse. Site visits to the parcels indicate the portions being offered are not providing Greater Sage-Grouse habitat due to current condition of the existing vegetation and habitat fragmentation. Site visits to the portion of parcel proposed for leasing in Pondera County indicate that they do not meet the habitat requirements for Sprague's Pipit. Several BLM sensitive species have been documented within the proposed lease parcels. Stipulations designed to minimize impacts to listed or proposed to be listed threatened or endangered species or their habitat and sensitive species or their habitats have been included with the BLM preferred alternative.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where on-federal requirements are consistent with federal requirements: The preferred alternative does not violate any known federal, state, local or tribal law or requirements imposed for the protection of the environment. State, local and tribal interests were given the opportunity to participate in the environmental analysis process. In addition, the project is consistent with applicable land management plans, policies and programs.

Recommended by:

A handwritten signature in cursive script, reading "Geoff Beyersdorf".

Geoff Beyersdorf, Field Manager

Date October 11, 2012

Concurrence by:

A handwritten signature in cursive script, appearing to read "Gary S. Benes".

Gary "Stan" Benes, District Manager

Date October 16, 2012

Approved by:

A handwritten signature in cursive script, appearing to read "Theresa M. Hanley".

Theresa M. Hanley, Deputy State Director, Division of Resources

Date October 19, 2012